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SUBJECT: KAZAKHSTAN: PEACE CORPS VOLUNTEER IN LEGAL TROUBLE, BUT OK
FOR NOW

11. (U) Sensitive but unclassified. Not for Internet distribution.

12. (SBU) Summary. Peace Corps Volunteer Anthony Kavanaugh Sharp (02 October 1982) may be charged after police caught him leaving a restricted mine complex with what they say were industrial explosives. Mr. Sharp is not in custody but his movements are restricted. A Consular Officer visited Mr. Sharp and met with police in Ridder, Kazakhstan. Subsequently the Charge and Conoff met with Ministry of Foreign Affairs officials regarding the case. If charged and convicted, Mr. Sharp could face up to five years in prison. End Summary.

13. (SBU) Police took Mr. Sharp into custody at about 2 a.m. on November 26th after they spotted him climbing a fence to leave a restricted zinc mining complex near Ridder, a town of about 60,000 people in the mountains north of Oskemen (Ust Kamenogorsk) in northeastern Kazakhstan. Mr. Sharp was carrying a bag, which he says belonged to a friend, containing what police describe as industrial explosives commonly used in mining. In a subsequent search of Mr. Sharp's residence, police took several maps, his cell phone, camera, computer, a number of CD-ROMs and some hiking/outdoor gear.

13. (SBU) Police questioned Mr. Sharp throughout most of Thanksgiving day, but released him that evening without charges. Police did take Mr. Sharp's passport and he cannot leave Kazakhstan until the investigation, which could take up to two months, is complete. Police say they will likely charge Mr. Sharp under section 25.1 of the Kazakhstani legal code, illegal possession of firearms (explosives). If charged and convicted, Mr. Sharp faces a maximum of five years in prison.

14. (SBU) Mr. Sharp says he went to the mining complex with his supervisor from the NGO where he was assigned to work as a Peace Corps Volunteer (PCV) and a friend of his supervisor's who was familiar with the mine. According to Mr. Sharp, he had long been curious about the mine and quickly agreed when his supervisor suggested a visit. While they were at the mine, he says his supervisor picked up several items and placed them in his bag. Mr. Sharp says he did not know what the items were and that he only took the bag as he was getting ready to climb the fence to leave the mine. Police did not apprehend Mr. Sharp's supervisor or the third man.

15. (SBU) A Consular Officer visited Mr. Sharp in Ridder on December 3rd. Mr. Sharp has been assigned to Ridder as a PCV for two years and has many local friends and knows the community well. There is also a second PCV assigned to the town and, at the time of the conoff's visit, an additional PCV was in Ridder to provide moral support to Mr. Sharp. The Peace Corps Safety and Security Officer has also visited Ridder. Peace Corps has arranged for legal representation. Mr. Sharp has no health issues and has not made any specific requests of the Embassy. The Conoff has been in regular contact with Mr. Sharp's family in Oregon.

¶16. (SBU) The Consular Officer also met with the Ridder police investigator assigned to Mr. Sharp's case, the senior investigator, the Deputy Chief of Police and the Chief of Police. They say the case file and all evidence, including the items taken from Mr. Sharp's residence, were sent to the Oskemen Ministry of Internal Affairs regional office for examination. They are awaiting instructions from their superiors in Oskemen before taking further steps, but all the police officials said they expect Mr. Sharp will be charged. The investigators both said they believed Mr. Sharp had been used by others, but that they did not know by whom or why, and that they did not think that Mr. Sharp's actions on November 25th/26th were motivated by criminal intent. The Chief of Police also mentioned that some of the maps found in Mr. Sharp's residence could possibly be considered military secrets (Mr. Sharp says they were Soviet-era topographical maps of the region purchased locally soon after he arrived).

¶17. (SBU) The Charge and Conoff met with Talgat Kaliyev, the head of the MFA Americas Desk, and his consular assistant on December 4 to regarding the case. Mr. Kaliyev was aware of the details of the case and said he believed it to be a serious matter. He pointed out that Mr. Sharp was in a restricted area in the middle of the night and that markings on the maps found in his residence were of interest. Mr. Kaliyev said that he was concerned that Mr. Sharp's explanation of his actions did not reflect his true intentions. Mr. Kaliyev promised, however, to help resolve the matter as expeditiously as possible.

¶18. (SBU) Mr. Kaliyev raised the cases of Asel (sic) Abdygapparova, currently serving a life sentence in Texas for capital murder, and Talapker Imanbayev. The MFA stressed that this was not a "tit for tat" but that they simply wanted to see "what the possibility was"

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of Abdygapparova serving the remainder of her sentence in Kazakhstan and returning Imanbayev to serve time for a previous Kazakhstani fraud conviction. Imanbayev received refugee status in the United States, but we understand that he is currently going through deportation procedures for fraudulently applying for that status.

¶19. (SBU) The MFA agreed that it would be useful for the Peace Corps Country Director and an Embassy representative to meet with senior Ministry of Internal Affairs officials to discuss the Peace Corps mission and the contribution PCVs make to Kazakhstan. We hope to schedule the meeting for December 9th or 10th.

MILAS